



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

September 14, 2005

SUBJECT: **2005-0779** – Application for the property located at **383 Stowell Ave.** (near Chestnut Ave) in an R-0 (Low-Density Residential) Zoning District. (APN: 204-33-003)

Motion Variance on a 5,200 square-foot site from Sunnyvale Municipal Code section 19.34.030 to allow a five-foot side-yard setback on the right side of the property where seven feet is required.

REPORT IN BRIEF

Existing Site Conditions Existing single-story residence

Surrounding Land Uses

North	Residential
South	Residential
East	Residential
West	Residential

Issues Justifications for a Variance

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-0	Same	R-0
Lot Size (s.f.)	5,200	Same	6,000 min.
Gross Floor Area (s.f.)	1,235	1,564	2,340 max.
Lot Coverage (%)	23.8%	30.1%	45% max.
Floor Area Ratio (FAR)	23.8%	30.1%	45% max. without PC review
Building Height (ft.)	15'-4"	15'-4"	30' max.
No. of Stories	1	1	2 max.
Setbacks (Facing Property)			
Front (ft.)	20'	Same	20' min.
Left Side (ft.)	5' (10' total)	Same	4' min. (12' total min.)
Right Side (ft.)	5' (10' total)	Same	4' min. (12' total min.)
Right Side at point of addition (ft.)	16' 6" (21' 6" total)	5' (10' total)	4' min. (12' total min.)
Rear (ft.)	39'-2"	33'-2"	20' min.
Parking			
Total Spaces	2	Same	2 min.
Covered Spaces	1	Same	1 min.



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS**Description of Proposed Project**

The applicant is proposing to remove the existing sunroom and add a 329 square foot one-story addition to the rear of the existing 977 square foot one-story house to allow for a large family room and second bathroom/utility room.

The Variance is for a small section of the addition located along the right side of the house. The applicant would like to continue the existing plane of the house, which is legal non-conforming, for a distance of 6 feet before jogging it in 2 feet for a 7 foot side yard setback for the remainder of the addition. Given the configuration of the left side of the house, this would result in the first 5 feet of the addition not meeting the Code requirement for a total side yard setback of 12 feet, despite the fact it was continuing along the existing plane of the house. The remainder of the proposed addition meets Code requirements.

Background

There are no previous planning applications related to the subject site.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor additions to existing facilities.

Variance

Site Layout: The existing 5,200 square foot lot is rectangular in shape with the existing single-story house located in the middle of the lot. The house currently has 5-foot setbacks on either side of the house. The proposed addition is for a family room and a bathroom/utility room. The Variance would extend the existing non-conforming side yard for an additional 6 feet 10 inches to allow for adequate space in the bathroom/utility room.

Most lots in the vicinity of the site are of similar lot size and configuration, with existing legal non-conforming side yard setbacks.

During the site inspection, staff observed an approximately 110 square foot arbor located in the front yard. The arbor requires both a Planning and a Building permit (see Attachment B, Conditions of Approval 2.C).

Architecture: The proposed addition would be incorporated into the existing house design. It involves removing an existing sunroom and replacing it with an addition to the right side and rear of the house. The Variance request is for 5 feet of addition along the side yard that will continue along the existing legal non-conforming side of the house. The side yard addition jogs in after 6 feet to minimize the impact of the addition on the existing Loquat tree, which the applicant would like to preserve.

The following Guidelines were considered in the analysis of the project architecture.

Single Family Home Design Guidelines	Comments
<i>2.2 Basic Design Principles. (2) Respect the scale, bulk and character of homes in the adjacent area.</i>	The proposed addition will not add visible bulk to the primarily single-story neighborhood.
<i>2.2 Basic Design Principles. (7) Preserve mature landscaping.</i>	The proposed design seeks to preserve the existing Loquat tree.
<i>3.5(J) Roofs. Use roof forms for additions that blend comfortably with the roofs of the existing home.</i>	The proposed roof blends into the existing design.
<i>3.7(G) Materials. Wall materials for additions should generally match those of the existing building.</i>	The proposed materials and color will match the existing house.

Landscaping: One large Loquat tree would potentially be impacted by the addition. The City Arborist has indicated that the tree may be preserved if certain steps are taken regarding the foundation design and during construction. See Attachment B for Conditions of Approval to help preserve the existing tree.

Parking: The site currently has one covered and one uncovered parking space. The increased floor area results in a total covered area of 1,564 square feet, which does not trigger additional required parking.

Compliance with Development Standards: SMC 19.34.030 requires a 12-foot minimum total side yard setback for homes located in an R-0 Zoning District, with a minimum 4-foot side yard setback. The existing home currently has a legal non-conforming 10-foot total side yard setback, with 5-foot setbacks on both sides. The applicant is proposing to extend the existing non-conforming setback for 6-feet 10-inches to allow for an adequately sized bathroom/utility room.

Expected Impact on the Surroundings: The proposed addition is to the back of the existing home. It is not likely to be visible from the street. Approval of the Variance may result in similar requests from the neighboring properties; however, a similar type of Variance was already May 2005 for the neighboring street.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 10 notices mailed to property owners and residents adjacent to the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Discussion: Lots in the subject neighborhood are typically 5,200 square feet, with 52-foot lot widths. This is in contrast to the standard 57-foot lot width for R-0 neighborhoods. Most homes in the neighborhood have 5-foot side yard setbacks on both sides of the house, resulting in a legal non-conforming status for the total side yard setback. The applicant has requested a modest addition that is compatible with the neighborhood, will not be visible from the street, and seeks to preserve a mature tree.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Variance. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Variance with attached conditions.
2. Approve the Variance with modified conditions.
3. Do not Approve the Variance.

Recommendation

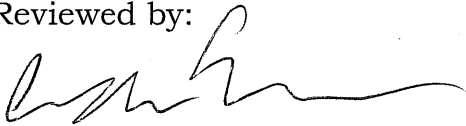
Alternative 1.

Prepared by:



Jamie McLeod
Project Planner

Reviewed by:



Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Letter from the Applicant
- D. Assessors Parcel Map
- E. Site and Architectural Plans

Recommended Findings - Variance

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district. The Finding is made in that the existing lot width is less than the minimum required by the City Code, resulting in a hardship to meet the setback requirements. It is of note that the design proposes a minor continuation of an existing non-conformity that is typical in the neighborhood which has widths that are below the standard lot width.
2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district. The Finding is made in that the addition will not be visible from the street.
3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district. The Finding is made in that the neighboring properties have similar setbacks and a similar type of Variance was recently approved in the neighborhood for a similar type of request.

Recommended Conditions of Approval - Variance

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- B. The Conditions of Approval shall be reproduced on the front page of the plans submitted for a Building permit for this project.
- C. The Variance shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain necessary permits from the Development Permit from the Department of Public Works for all proposed off-site improvements.
- B. Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit.
- C. The arbor located in the front yard requires both a Planning and a Building permit. The applicant shall have 10 days from the public hearing date to file an application for the Planning permit or the arbor shall be removed.

3. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission/Director of Community Development prior to issuance of a building permit.
- B. Roof material shall be 50-year dimensional composition shingle, or as approved by the Director of Community Development.

4. TREE PRESERVATION

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for approval.
- B. The tree protection plan shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- C. The tree protection plan shall remain in place for the duration of construction.
- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:
 - 1. Define tree protection zone at original drip line of preserved trees by 6' (six foot) wire mesh fencing.
 - 2. Prepare wood chip/leaf mulched wells manually, and water preserved trees as needed.
 - 3. Development plans shall include designs to maintain original grade within tree protection zone.
 - 4. Landscape plans shall reflect an irrigation design that is compatible to the needs of the protected trees.
 - 5. No trenching, grading, or root cutting within tree protection zone unless approved by Consulting Arborist.
 - 6. Plans to construct within tree protection zone must be reviewed and approved by Consulting Arborist.
 - 7. Consulting Arborist shall approve pruning done to accommodate development features.
 - 8. Tree protection zone fencing to remain until fine grading and final landscape installation
 - 9. No construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- E. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.
- F. Protect roots of existing Loquat by hand digging within the drip line of the tree.

August 4, 2005

PROJECT DESCRIPTION, 383 STOWELL AVENUE ADDITION

The proposed addition is for a family room and a combination second bathroom/laundry room for a one story house built in 1942. The addition will be one story, at the rear of the house, and along the right side. Except for a tiny portion of the roof, it will not be visible from the street. The materials (composition shingle, stucco, and vinyl windows) will match the existing materials.

We are requesting a variance to extend the existing wall along the right side five feet from the property line, where seven feet would normally be required. This has been a common practice in this neighborhood.

Tom Harvey,

Architect

August 4, 2005

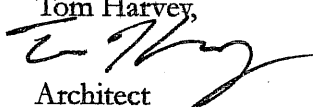
ADMINISTRATIVE HEARING OFFICER, CITY OF SUNNYVALE

On behalf of my clients, Craig Haggart and Becky Horton, I am requesting a Variance for a remodel of their home at 383 Stowell Avenue. We believe our design is in accord with the following findings.

1. Nearly all the homes in this neighborhood were built with five foot setbacks on both sides. Over the years, many if not most of these homes have been added onto. The continuation of existing five foot setbacks is very common in this neighborhood. To deny my clients the opportunity to add on in this way would deny them what many of their neighbors with similar situations were allowed. Alternatively, the owners could respect the seven foot required setback for the five linear feet where required, then pop out to within four feet of the property line. However, this would require the removal of a mature loquat tree, which would be detrimental to my clients and to the neighborhood.
2. The granting of this variance will not be detrimental to the neighborhood. It will not be visible from the street. It is adjacent to the immediate neighbor's garage, and under a mature tree. It is only five linear feet, ten square feet.
3. The granting of this variance will not give the owners any special privileges. As stated above, the extension of existing non-conforming side walls has been very common in this neighborhood.

Thank you for considering this request.

Tom Harvey,


Architect

ATTACHMENT D

Page 1 of 1

1"=100'

TRACT N° 209 - HOMEWOOD - MAP N° 2

BLOCK 6

AVE.

AVE.

CHESTNUT

AVE.

344	350	354	358	362	366	370	374	378	382	388	394	
52	52	52	52	52	52	52	52	52	52	52	52	54.05
<u>35</u>	<u>36</u>	<u>37</u>	<u>38</u>	<u>39</u>	<u>40</u>	<u>41</u>	<u>42</u>	<u>43</u>	<u>44</u>	<u>45</u>	<u>46</u>	<u>47</u>
22	21	20	19	18	17	16	15	14	13	12	11	10
11	12	13	14	1	2	3	4	5	6			
<u>13</u>	<u>12</u>	<u>11</u>	<u>10</u>	<u>9</u>	<u>8</u>	<u>7</u>	<u>6</u>	<u>5</u>	<u>4</u>			
52	52	52	52	52	52	52	52	52	52			
349	353	355	359	363	365	369	373	375	379	383	385	32.63

REVISIONS	BY

TOM HARVEY, ARCHITECT
 347 OCHIAI AVENUE, SUNNYVALE, CA 94085-4314
 VOICE AND FAX: (408) 731-6206 TOMHARVEY@AOL.COM
 CALIFORNIA ARCHITECT'S LICENSE NUMBER C-20033

ADDITIONS TO THE RESIDENCE OF
 CRAIG HAGGART & BECKY HORTON
 383 STOWELL AVENUE
 SUNNYVALE, CALIFORNIA

EXISTING PLAN
 SITE PLAN

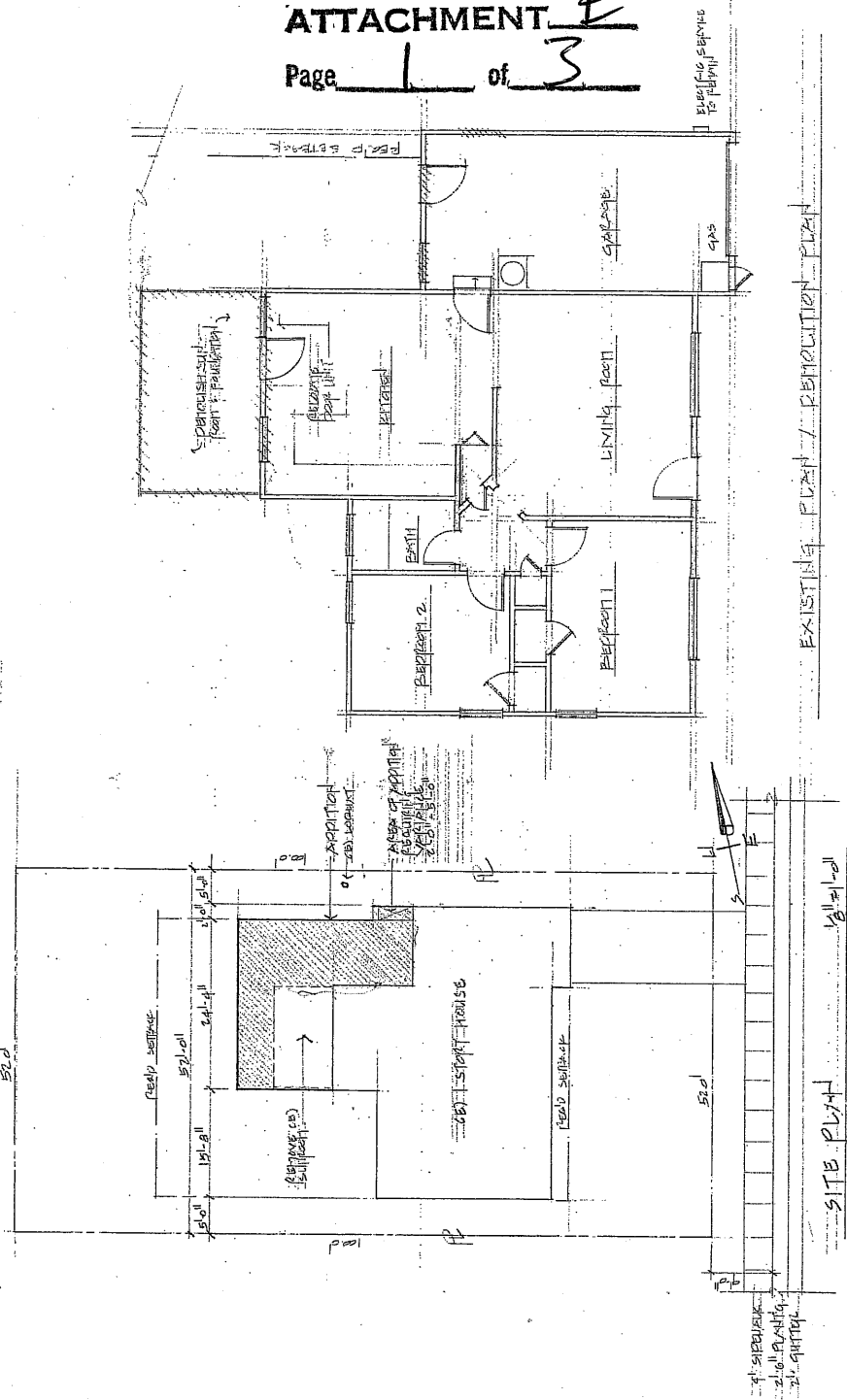
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CHECKED	H.H.
DESIGNED	T.H.
SHEET NO.	1
PROJECT NO.	383 STOWELL

ATTACHMENT F

Page 1 of 3

LOT SUMMARY:
 ADDRESS: 383 STOWELL AVENUE
 LOT DESCRIPTION: LOT 7, BLOCK 6, TRACT 269
 MAP REFERENCE: 1995 MAP NO. 1
 ASSESSOR'S PARCEL NUMBER: 268-32-000
 ZONE: R-9
 LOT AREA: 10,500 S.F.
 COVERED AREA: 3,200 SQUARE FEET
 SETBACKS:
 FRONT AND REAR: 30 FEET
 SIDES: 4 FEET MIN., 12 FEET TOTAL
 5 FEET, EACH SIDE
 EXISTING SIDE SETBACKS

AREA SUMMARY:
 EXISTING RESIDENCE: 977 S.F.
 PROPOSED ADDITION: 139 S.F.
 PROPOSED TOTAL FLOOR AREA: 1,116 S.F.
 EXISTING GARAGE: 139 S.F.
 PROPOSED TOTAL FLOOR AREA: 1,156 S.F. O.K.
 AREA OF PROPOSED ADDITION REQUIRING VARIANCE FOR
 SIDE SETBACK OF FIVE FEET WHERE SEVEN FEET WOULD BE
 REQUIRED IS TEN SQUARE FEET (10' WIDE BY 5' DEEP)



EXISTING FLOOR PLAN / REMODEL PLAN

SITE PLAN

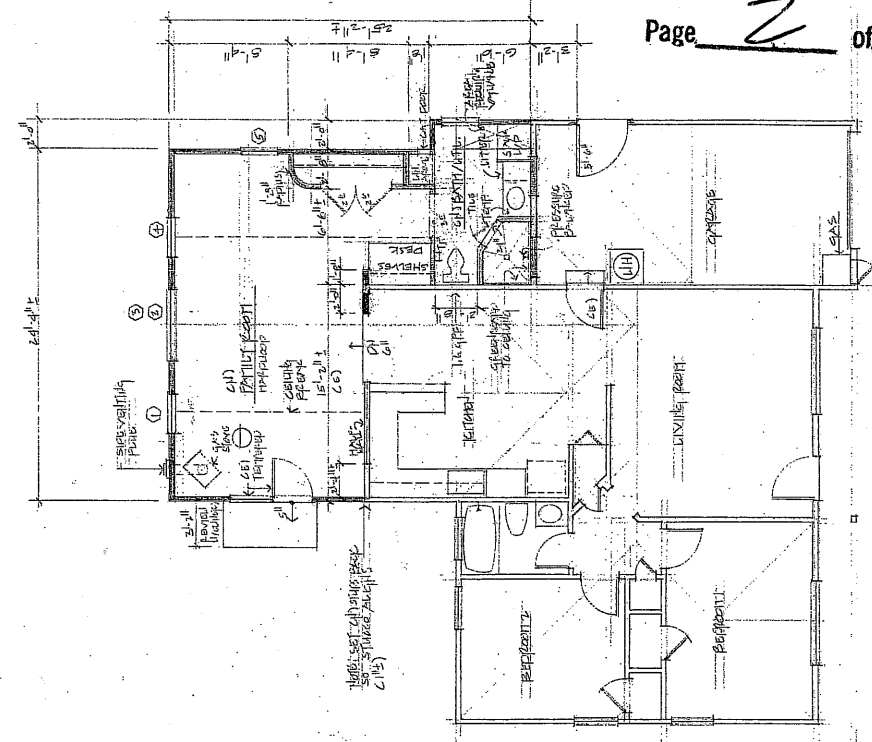
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TOM HARVEY, ARCHITECT
 3700 DOWLAND AVENUE, SUNNYVALE, CA 94085-4314
 VOICE AND FAX: (408) 733-6038 TSHARVEY@AOL.COM
 SUNNYVALE, CALIFORNIA
 CRAIG HAGGART & BECKY HORTON
 383 STOWELL AVENUE
 ADDITIONS TO THE RESIDENCE OF

12/28/95 E.P. PLAN
 12/28/95 E.P. PLAN

DATE	8.9.03
BY	1/11/03
SCALE	3/8" = 1'-0"
SHEET	303 STOWELL
2	

ATTACHMENT E
 Page 2 of 3



2nd floor plan
 1/4" = 1'-0"

ATTACHMENT E
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